

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

JEFFREY W. PAUL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	2:12-cv-326-JMS-WGH
	)	
BUREAU OF PRISONS, et al.,	)	
	)	
Defendants.	)	

**Entry and Order Dismissing Action**

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. This action is before the court on the complaint of Jeffrey W. Paul, an inmate at a federal prison within this District. The amended complaint [7-8] is subject to the screening required by 28 U.S.C. ' 1915A. Paul alleges that the defendants harmed him through procedural default, omission and due process. He states that he "was a juvenile law (&) armed service conscript; solicited for duty repeatedly (&) sustained injury; consequently. . . my records are being denied . . . I have been physically (X) verbally abused by staff . . . I am being stolen from; my wife has been raped (\$) my conviction was false . . . I was only party to in a compartmental capacity." Dkt. 8 at p. 5.

2. A complaint is required by Rule 8(a) of the *Federal Rules of Civil Procedure* to contain "a short and plain statement of the claim showing that the pleader is entitled to relief . . . ." A complaint is sufficient only to the extent that it Acontain[s] either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory.® *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1969 (2007) (quoting *Car Carriers, Inc. v. Ford Motor Co.*, 745 F .2d 1101, 1106 (7th Cir. 1984)).

3. It has been noted that "dismissal of a complaint on the ground that it is unintelligible is unexceptionable." *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001). Mr. Paul's complaint is subject to dismissal on the basis of the foregoing rules, and because of ' 1915A such dismissal is now mandatory. *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). Because the complaint is unintelligible, it fails to state a claim upon which relief may be granted. This action is now dismissed for failure to state a claim pursuant to *Federal Rules of Civil Procedure* 12(b)(6).

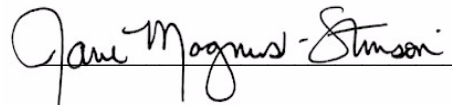
4. Judgment consistent with this Entry shall now issue. This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

5. Given the dismissal of the complaint and this action, all pending motions [including, docket numbers 16, 18, 19, 20, 21] are **denied as moot**.

6. It is noted that the plaintiff failed to timely pay the initial partial filing fee as directed in the Entry November 6, 2012.

**IT IS SO ORDERED.**

Date: 02/12/2013

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive, flowing style.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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